

3. A catastrophic health condition or injury, which is defined as either:
- i. A life-threatening condition or combination of conditions; or
 - ii. A period of disability required by the candidate's mental or physical health or the health of the candidate's fetus which requires the care of a physician who provides a medical verification of the need for the candidate's absence from work for 60 or more work days.

N.J.A.C. 4A:1-1.2(c) sets forth that a rule may be relaxed for good cause in a particular situation.

CONCLUSION

The record establishes that the appellant was scheduled to take the oral portion of the examination on April 7, 2018 and did not do so. The original documentation supplied by the appellant did not include a reason why the appellant could not take the test. The appellant has since provided valid medical documentation why his medical condition precluded his participation in the examination. Although the circumstance of this matter does not fit precisely within the parameters of the rule, it is clearly evident that appellant had a compelling medical reason to miss the examination. Given these unique circumstances, the criteria of *N.J.A.C.* 4A:4-2.9(c) should be relaxed and the appellant be given a make-up examination for prospective appointment only.

ORDER

Therefore, it is ordered that this appeal be granted, and the appellant be scheduled for a make-up examination. In so doing, the remedy provided herein is for prospective appointment only, is limited to the facts of this case, and may not be used as precedent in any other proceeding.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 18th DAY OF JULY, 2018



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